

REMARKS

Claims 1-46 were presented for examination and are still pending in this application. In an Office Action of December 5, 2003, claims 1-46 were rejected. Claims 1, 8, 9, 12, 15, 17, 24, 25, 28, 31, 33, 34, 36, 37, 39, 40, 42, 43, 45 and 46 are herein amended. Claims 14 and 40 are herein cancelled. Claims 47 and 48 are herein added. Applicants thank Examiner for examination of the claims and the subsequent interview of March 1, 2004. Applicants now request reconsideration in light of the below remarks and allowance of claims 1-48.

As an initial matter, claims 8, 9, 15, 24, 25, 31, 34, 37, 40, and 43 were amended only for the purpose of consistency and readability (e.g., change dependence from cancelled claim; spell out RFID acronym; and correct antecedent basis). Such amendments are not narrowing amendments for the purpose of patentability. Additionally, claims 47 and 48 add no new matter.

In paragraph 1 of the Office Action, Examiner informally objects to claims 12 and 28 because they recited "said" after "including." As suggested by Examiner, claims 12 and 28 have been amended to delete "said." Thus, Applicants submit that claims 12 and 28 should no longer be objected to.

In paragraph 3 of the Office Action, Examiner rejects claims 33-44 under 35 U.S.C. § 112(2) as being indefinite due to recitation of the term "may." Claims 33, 36, and 42 have been amended (i.e., replaced "may be read" with "are readable") to clarify that although a tag reader need not actually read tags, that they are readable by the tag reader. Therefore, Applicants submits that claims 33-44 are not indefinite.

In paragraph 5, Examiner rejects claims 33-44 under 35 U.S.C. § 102(e) as being anticipated by *Information Visibility and Its Effect on Supply Chain Dynamics* (Information Visibility) authored by Yogesh V. Joshi. Furthermore, in paragraph 6, Examiner rejects claims 1-32 and 45-46 under 35 U.S.C. § 103(a) as being anticipated by the Information Visibility reference apparently in combination with Examiner's personal knowledge. During the interview, Applicants representative and Examiner reached agreement that the Information Visibility reference did not disclose the invention as

claimed. Examiner has entered an interview summary to the record. No new search is necessary since the amendments contain limitations from originally filed dependent claims (e.g., claim 14). Therefore, Applicants submit that claims 1-48 are in condition for allowance.

However, for the record, Applicants disagree with Examiner's assertion that the step of charging users of the supply chain a fee is obvious in light of the Information Visibility reference. Nor is such a combination taught or suggested by the Information Visibility reference. Also, Applicants submit that the other prior art of record does not disclose or suggest the invention as claimed either alone or in any hypothetical combination. Finally, Applicants reserve the right to pursue the originally filed claims at a later time.

CONCLUSION

In sum, Applicant respectfully submits that claims 1-48, as presented herein, are patentably distinguishable over the prior art of record. Therefore, Applicants request reconsideration and allowance of these claims.

In addition, Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

RESPECTFULLY SUBMITTED,
XI LI, ET AL.

Date: March 5, 2004

By: Dorian Cartwright

Dorian Cartwright, Reg. No. 53,8583
Authorized Attorney (37 CFR § 1.34(a))
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7247
Fax: (650) 938-5200